

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

J. MICHAEL LANDSCAPING, INC.,
Defendant

and

BARLETTA ENGINEERING CORPORATION;
MODERN CONTINENTAL CONSTRUCTION CO.,
INC.; and PEABODY CONSTRUCTION COMPANY,
INC.,

Reach-and-Apply Defendants

C.A. No. 05-11624 RWZ

VERIFIED REQUEST TO ENTER DEFAULT

Plaintiffs Paul J. McNally, as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al, request the Clerk to enter the default of J. Michael Landscaping. Inc. (hereinafter "J. Michael"). This request is made pursuant to Rule 55(a), Fed.R.Civ.P. In support of this request, the Plaintiffs say:

- 1) This action was filed on August 2, 2005.
- 2) The Complaint was served on defendant J. Michael on September 20, 2005.
- 3) J. Michael has never filed an Answer or a responsive pleading to the Complaint.

WHEREFORE, Plaintiffs seek the entry of Default in this matter.

Respectfully submitted,

PAUL J. MCNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman
Anne R. Sills, Esquire
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Gregory A. Geiman, Esquire
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Dated: March 23, 2006

VERIFICATION

I, Gregory A. Geiman, verify that I have read this Verified Request to Enter Default and that the facts set out in the Request are true to the best of my knowledge and belief.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire

CERTIFICATE OF SERVICE

This is to certify that a copy of the above document has been served by first class mail upon defendant, J. Michael Landscaping, Inc. by its attorney, Paul Hogan at Hogan & Associates, 63 Chatham Street, Boston, MA 02109 and reach-and-apply defendants, Barletta Engineering Corporation at 40 Shawmut Road, Suite #200, Canton, MA 02021, Modern Continental Construction Co., Inc. at 600 Memorial Drive, Cambridge, MA 02139, and Peabody Construction Company, Inc. at 536 Granite Street, Braintree, MA 02184 this 23rd day of March, 2006.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire